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November 18, 1997

Ms. Cynthia L. Johnson
Director, Cash Management Policy and Planning Division
Financial Management Service
U.S. Department of the Treasury
401 14th Street, SW (Room 420)
Washington, DC 20227

Re: Notice of proposed rulemaking concerning 31 CFR Part 208

Dear Ms. Johnson:

Kindly consider broadening your proposed exemptions or waivers, as set forth in proposed Section 208.4, to include hardship due to either mental disability or language, for the following reasons:

1. As to language, I have personal experience representing Chinese-speaking immigrants who have found it very difficult to learn to write English with sufficient facility to pay bills with checks. My experience is that the first generation of Chinese-speaking immigrants is caught in a time bind, having to choose between working to make a living and spending time learning English. Understandably, many will opt to work and will not learn enough English to comfortably be able to write out the dollar amount of a check in words.

Even signing one's name in English can be difficult for a Chinese-speaking immigrant. I have attended real estate closings where my Chinese-speaking clients will have me write out the necessary checks for them (covering miscellaneous small closing-related adjustments between the buyer and seller), leaving the signature line for them to sign. They sign their names by first pulling out a well-worn piece of paper from their pocket, containing their names in English, and then painstakingly copying from that piece of paper onto the checks that need to be handed over at the closing. They then enter the amount of the check (in numbers) into their checkbook registers together with a Chinese explanation of the purpose of the check.

The process is quite cumbersome, and obviously is avoided by such persons to the fullest extent possible.

In my personal experience, many Chinese-speaking immigrants will pay their routine day-to-day bills in cash rather than have to ask an English-speaking person to help them out with the check-writing. Requiring persons with such a language barrier to receive federal benefits electronically may force such persons into language-based difficulties, including (a) the tendency for banks to steer such persons into opening checking accounts; (b) the need to find an easy alternative to current check-cashing sources (use of an ATM machine requires the ability to read and understand instructions in English and machine malfunctions create additional instances where English must be used in order to obtain error correction); and (c) the need to find an easy way to determine when the funds have in fact been credited (since one should not be attempting to withdraw cash from the deposit account prior to the benefits having been credited).

It is a fallacy to believe that ATM machines and bank personnel are bilingual and can communicate in Chinese with Chinese-speaking immigrants. Not all Chinese-speaking immigrants live, work, or bank in "Chinatowns". My own Chinese-speaking immigrant clients live, work, and bank in Connecticut towns that have nothing even remotely resembling "Chinatowns". I am sure that other immigrants to this country, with native languages equally dissimilar to English, will have difficulties similar to the ones I have personally seen and described above in this letter.

2. As to mental disability, my father (a retired mathematics professor) very gradually developed senile dementia (we believe it to be due to Alzheimer's disease). One of the early signs that he was having trouble was that electronically deposited benefits confused him to the point where he had trouble keeping his checkbook register current and balanced. When he received a check in the mail, he had no trouble reading the check, depositing the check through the mail, and recording the check as a deposit in his checkbook register. When an amount was electronically deposited, however, he had difficulty determining the date of the deposit and difficulty remembering to record the amount of the deposit in his checkbook register. Waiting until the monthly bank statement arrived was not an optimal solution to the problem, since electronic deposits often occurred in mid-month and he needed to know his current bank balance in mid-month to avoid overdrawing his account.

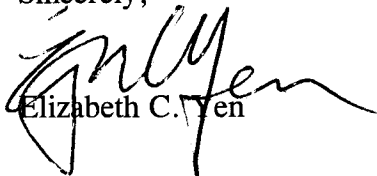
At the same time that my father, a mathematician, was beginning to have some trouble with checkbook balancing (due to electronic deposits), obviously other little day-to-day things were also presenting him with problems, but he managed to develop compensating, coping behavior to get around virtually all of these problems, and was able to continue to live alone as a widower in his own home for several years. His mental disability still has not reached a level where a guardian or conservator is necessary, although he now resides in an assisted living facility where he receives assistance with meals, laundry and housekeeping.

I hope you can understand how difficult it was for my father, a highly educated person in his late 60's and early 70's, retired from a university professorship, to admit to anyone that he needed help (in the form of a bookkeeper or otherwise), or to agree that the day had come when he should no longer live alone, unsupervised. Mandating electronic deposits and prohibiting benefits to take the form of a check will hasten the inevitable for some. It would be more humane and dignified to give our elderly the option of electing to receive benefits by check, since that can be a very effective coping mechanism during the early years of senile dementia. Our society is not kind to the aging and aged - this one little new requirement, slated to take effect in 1999, is just one more small manifestation of our society's insensitivity to the special needs of the elderly.

3. On a related matter, I would strongly encourage you to consider an education campaign targeting the providers of health care and retirement living services to the elderly. For instance, organizations that accredit life-care retirement communities, assisted living trade associations, and the like, should be educated about EFT '99 and its potential impact on their constituents. Life-care retirement communities and assisted living facilities should be encouraged to network with local banks, in order to have ATM machines installed on-site at the facilities, to ease slightly the confusion and feeling of further loss of control over one's own life and destiny that EFT '99 will inevitably create for some of our elderly citizens. Life-care retirement communities and assisted living facilities should also be permitted to advise their residents concerning how to request a waiver from mandatory electronic benefits. We should not require our elderly to fill out a waiver request form in the presence of a bank officer or other stranger.

Please do not hesitate to contact me if you have any questions about these comments. Thank you in advance for considering these comments.

Sincerely,


Elizabeth C. Yen